

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
RENTON, WASHINGTON 98055-4056

In the matter of the petition of

Aviation Services, Ltd. d.b.a. Freedom Air

for an exemption from § 121.314(c) of Title 14,
Code of Federal Regulations

**Regulatory Docket No.
FAA-2001-9134**

AMENDED GRANT OF EXEMPTION

By letter of March 14, 2002, Ausonio Pellacani, Director of Safety, Aviation Services, Ltd. dba "Freedom Air," Guam International Airport, P.O. Box 1578, Hagåtña, GUAM 96932, petitioned the Federal Aviation Administration for an amendment to Exemption No. 7466A, issued to Freedom Air on June 18, 2001. That grant of exemption from certain requirements of § 121.314(c) allowed Freedom Air to operate, until April 15, 2002, one SD3-30 airplane beyond the cargo compartment modification deadline of March 19, 2001. The petitioner requests an extension through August 15, 2002, due to the inability of Shorts Bros., the modification kit manufacturer, to deliver an approved conversion kit before July 5, 2002.

The petitioner requests relief from the following regulations:

Section 121.314(c) requires that after March 19, 2001, each Class D compartment, regardless of volume, must meet the standards of §§ 25.857(c) and 25.858 of this Chapter for a Class C compartment unless the operation is an all-cargo operation in which case each Class D compartment may meet the standards in § 25.857(e) for a Class E compartment.

Section 25.857(c) requires that a Class C cargo or baggage compartment have:

- (1) A separate approved smoke detector or fire detector system to give warning at the pilot or flight engineer station,

- (2) An approved built-in fire extinguishing or suppression system controllable from the cockpit,
- (3) Means to exclude hazardous quantities of smoke, flames, or extinguishing agent, from any compartment occupied by the crew or passengers, and
- (4) Means to control ventilation and drafts within the compartment so that the extinguishing agent used can control any fire that may start within the compartment.

Section 25.858 requires:

- (a) The detection system must provide a visual indication to the flight crew within one minute after the start of a fire,
- (b) The system must be capable of detecting a fire at a temperature significantly below that at which the structural integrity of the airplane is substantially decreased,
- (c) There must be means to allow the crew to check in flight, the functioning of each fire detector circuit, and
- (d) The effectiveness of the detection system must be shown for all approved operating configurations and conditions.

The petitioner's supportive information is as follows:

“Pursuant to Regulatory Docket No. FAA-2001-9134, Granting of Exemption 7466A, relating to FAR Section 121.314(c) requiring Class D compartment must meet the standards of Section 25.857(c) and 25.858 for a Class C compartment. This partial grant of exemption is due to expire on April 15, 2002. Shorts Bros. of Belfast, Ireland, the aircraft manufacturer, is responsible for manufacturing and delivery of the fire suppression kit required for the compartment conversion is unable to complete the kit in time to install in our Shorts SD3-30 aircraft to meet the April 15, 2002 deadline.

“Based on the most recent status report received from Shorts Bros., which was relayed to you via email, we are requesting to extend the April 15, 2002, deadline another one hundred twenty days until August 15, 2002. A Purchase Order No. 031401KF sent to Shorts Bros. on March 14, 2001 and again on March 13, 2002 as good faith commitment of purchase.

“Aviation Services, Ltd. dba Freedom Air, has from the granting of the partial exemption been diligent in enforcing the conditions and limitations of the exemption and we will continue to do so during the extended period.

“The granting of this extension will allow Freedom Air to continue to provide essential air transportation requirement for the island of Rota, Commonwealth of the Northern Mariana Islands.”

Notice and Public Procedures

Due to the impending compliance date, the FAA has waived the requirement to publish a summary of the petition in the Federal Register for public comment.

The Federal Aviation Administration's analysis/summary is as follows:

In granting the previous exemption extension, the FAA thought that the 280-day extension was reasonable. We now recognize that due to apparent difficulties encountered by the petitioner, compliance cannot be met under the terms of Exemption No. 7466A and a further extension is now being sought. The petitioner was advised that granting an extension of the compliance date to his petition for exemption was predicated upon receipt by the FAA of paperwork showing a confirmation from the kit manufacturer (Shorts) to the petitioner of : (1) a firm price quote, (2) receipt of any advance payment required by Shorts, and (3) a final purchase order to that effect. In addition, the FAA advised Shorts to provide firm delivery dates for the kits and parts. The FAA considers that receipt of the following information constitutes fulfillment of the paperwork requirements: (1) firm price quote from Shorts provided in e-mail dated March 20, 2002; (2) advance payment of bank wire transfer confirmed by e-mail from Freedom Air dated March 21, 2002; and (3) e-mail from Shorts dated March 20, 2002, confirming support for the August 15, 2002, compliance date.

Based on information we received from Shorts, we agree with the petitioner that a complete modification kit should be available to Freedom Air on or about July 5, 2002, and that an estimated 150-200 man hours will be required for installation of the kit by Freedom Air, with on-site assistance from Shorts. Other information submitted by Shorts in support of another petitioner indicates that the modification kit delivery date is somewhat uncertain due to yet to be defined shipping procedures. Therefore, the FAA has decided to allow Freedom Air to operate through August 31, 2002, or through the 30th day after delivery of the aircraft modification kit, whichever is sooner, even though the petitioner's request is for an extension through August 15, 2002.

To extend this exemption, we have determined that it is necessary to retain the same additional conditions relative to the previous exemption to minimize the possibility of

fire in the cargo compartment, and to minimize its impact should a fire occur, in order to provide an acceptable level of safety.

This amendment refers to the same airplane identified in the section “Description of Each Aircraft to be Covered” in Exemption No. 7466.

In consideration of the foregoing, I find that a grant of exemption is in the public interest and will not adversely affect the level of safety provided by the regulations. Therefore, pursuant to the authority contained in 49 U.S.C. 40113 and 44701, delegated to me by the Administrator, the petition of Aviation Services Ltd., d.b.a. Freedom Air, for an amendment to Exemption 7466A from the provisions of § 121.314(c) is hereby granted. This exemption is granted to the extent necessary to allow its one Model SD3-30 airplane to operate through August 31, 2002, or through the 30th day after delivery to Aviation Services, Ltd. (Freedom Air) of the aircraft modification kits by the aircraft manufacturer, whichever is sooner.

All other provisions of Exemption 7466A, together with associated conditions and limitations, remain the same and are applicable to this amendment. This amendment is part of, and shall be attached to, Exemption 7466A.

Issued in Renton, Washington, on April 10, 2002.

/s/Ali Bahrami
Acting Manager
Transport Airplane Directorate
Aircraft Certification Service